IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

W.P.L.NO. 1318 OF 2006

Mahesh Mahadev Gokhale ..Petitioner

Vs.

State of Maharashtra
and ors. ..Respondents

...

Mr.N.V.Bandiwadekar Advocate for Petitioner
Mr.R.M.Sawant Govt.Pleader for Respondents

...

CORAM: F.I.REBELLO AND
SMT.V.K.TAHILRAMANI,JJ.
DATE : JULY 7, 2006

P.C.

1. Petitioner was appointed clearly on contract basis as an Administrative Manager for 24 months from 5.1.2005 to 4.1.2007. It was made clear that the petitioner would not be governed by Service Rules of the Corporation. By a letter of 26.12.2005, the petitioner was informed that his contract was brought to an end from 26.12.2005.

2. On 26.12.2005 another letter was issued appointing the petitioner as Legal Adviser for a period of two years. Duties set out therein, have been set out by communication of 30.5.2006. The

services of the petitioner came to be terminated. It is stated therein that services came to be terminated on the ground of misconduct as set out in the order. Based on this, it is the contention of the petitioner that the action of the Respondent in terminating the services, are arbitrary and that even if the Respondent wants to terminate the services, it had to follow the due procedure of law.

3. The appointment of the petitioner was purely on contractual basis. It created no status in the petitioner. If the Respondents have terminated the contract and according to the petitioner, the same is arbitrary or illegal, that would not give cause of action for the petitioner to seek relief of re-instatement. Relief of reinstatement is limited to cases of Government employee who hold a post or employee of public sector or other Institution whose conditions of service are regulated by Rules made under an Act or Regulations and/or a workman covered by the provisions of the Industrial Disputes Act. The petitioner does not fall into any of these categories. The relief therefore, at the highest, if he is so entitled to, would be to sue for damages. In the light of that we are clearly of the opinion,

that this is not a fit case to exercise our extra ordinary jurisdiction. We make it clear that we have not disposed of the matter on merits and hence proceeded on the footing that the petitioner could not have invoked the extra ordinary jurisdiction for the relief of re-instatement. Petition is disposed of accordingly.

[F.I.REBELLO, J.]

[SMT.V.K.TAHILRAMANI,J.]